UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,453	11/30/2000	Jonathan J. Hull	15358-006220US	2461

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EXAMINER
BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/728,453	HULL ET AL.
	Examiner	Art Unit	
	REUBEN M. BROWN	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10/15/08</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-47</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-47</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>11/6/08; 11/24/08</u>.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 10/15/08 has been entered.

Response to Arguments

2.   Applicant's arguments filed 12/15/2008 have been fully considered but they are moot in

view of the new grounds of rejection.

Claim Objections

3.   Claim1 is objected to because of the following informalities:

        Claim 1, line 32 misspells, 'textural'. It should be replaced with 'textual'

 Appropriate correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemets, (U.S. Pat #

6,449,653) in view of Bozdagi, (U.S. PG-PUB 2004/0054964).

Considering claims 1 & 40, the amended claimed method performed by a presentation

recorder device of communicating information received during a multimedia presentation

comprising;

'receiving, first information at the presentation recorder device from a first system, the

first information including at least one of video information or audio information from a first

system, the at least one of video information or audio information being generated from a

presentation file' corresponds with the disclosure in Klemets, which teaches that the producer

215 receives audio/video data from digitized video file(s) 314, see Figs. 3A & 3B; col. 5, lines 5-

15.

'receiving second information at the presentation recorder device, the second

information including at least one audio or video information from a capture device, the

information captured by the capture device during the multimedia presentation', is met by the

disclosure of Klemets of capturing a audio/video presentation at the capture module 317a, being

received from a camera 312; Figs. 3A & 3B; col. 4, lines 64-67 thru col. 5, lines 1-20.

'analyzing video information received from the first system or video information received

from the capture device at the presentation recorder device to determine a difference between a

first video frame and a second video frame'… 'selecting a set of one or more keyframes at the

presentation recorder device from the analyzed video information received from the first system

or the analyzed video information received from the capture device in response to a user

configurable threshold difference between a first frame and a second frame', even though

Klemets teaches that annotations streams are created by the author module 318, the reference

does not teach the details of determining differences between the frames based on a user

configurable threshold.

Nevertheless Bozdagi, which is in the same field of endeavor, provides a teaching of a

frame difference determiner 30 which determines the difference between frames based on a

threshold set by a user, see Para [0034-0036; 0082; 0091]. Bozdagi goes on to teach that a set of

representative frames, i.e., keyframes may be created based on the differences determined, see

Para [0035-0038]. It would have been obvious for one of ordinary skill in the art at the time the

invention was made, to modify Klemets with the technique of creating keyframes from

differences in succeeding frames, for the desirable advantage of reducing the storage

requirements of the document, and to make it easier for viewer to find particular subject matter

or frames, as taught by Bozdagi, Para [0004, 0006-0008].

        As for the further amended feature of; *'analyzing the first information and second*

information at the presentation recorder device to extract textual information from the first

information or the second information using one or more text recognition techniques'; Bozdagi

teaches that the analysis may include closed-captioning and text, see [0052-0058].

        'generating a presentation representation at the presentation recorder device of the first

information and the second information, the presentation representation including a

representation of each keyframe in the set of keyframes and the textual information extracted by

the presentation recorder device from the first information and the second information', reads on

the combination of Klemets (col. 5, lines 51-67 thru col. 6, lines 1-67) & Bozdagi, [0037, 0051].

        'communicating at least a portion of the presentation representation from the

presentation recorder device to one or more devices, the communication portion of the

presentation representation including one or more keyframes from the set of keyframes and a

portion of the textual information', is met by the combination of Klemets and the transmission of

the web document 200 of Bozdagi.

Considering claims 2, 15 & 28, the claimed *'audio capture device'* is met by the

disclosure in Klemets (col. 5, lines 30-37) & Bozdagi [0029] of also processing the audio data.

Considering claims 3, 16 & 29, the claimed feature of *'storing the set of keyframes in a*

memory associated with the presentation recorder device, reads on storing the representative

images in memory 70 of Bozdagi, Para 003700038].

Considering claims 4, 17 & 30, the claimed feature of *'receiving a request at the*

presentation recorder device from a device requesting transmission of one or more keyframes in

the set of keyframes; in response to the request, determining at the presentation recorder device

the one or more keyframes in the set of keyframes and communicating...comprises...transmitting

corresponding audio information from the presentation recorder device to the device, is met by

the discussion in Bozdagi of the graphical user interface that allows a user to access the web

document(s), which include audio, see [0082; 0089-0091].

Considering claims 5-8, 18-21 & 31-34, the claimed subject matter is encompassed by

the citations of Bozdagi discussed above, with respect to claims 5, 18 & 31. In particular, the

user in Bozdagi may browse/parse a variety of different representative documents form a variety

of sources, [0082; 0089-0090].

Considering claims 9, 22 & 35, the amended claimed feature of the *'request received*

from the device request transmission of the audio or video information received by the

presentation recorder device from the first system and the capture device between a start time

and end time', is broad enough to read on the disclosure in Bozdagi of the graphical user

interface allowing the user to manipulate the document to retrieve specific segments of the

document, Fig. 9; [0083-0085; 0009-0091].

Considering claims 10, 23 & 36, the claimed feature of *'selecting one or more keyframes*

at the presentation recorder device from the video information or second information;

synchronizing the one or more keyframes at the presentation recorder with the audio information

from the first system and with audio information from the capture device; and storing third

information associating one or more keyframes with the audio information received from the

first device, the audio information received from the capture device and the portion of the

textual information', is met by the combination of Klemets & Bozdagi since the system in

Klemets takes as its input the audio/video information from the camera 312 and the Digitized

Video File(s) 314, see Fig. 3A; col. 5, lines 1-20.

Considering claims 11, 24 & 37, the additionally claimed feature of *'generating a web*

page for each key frame'... assigning a URL to each web page'... 'communicating at least a

portion of the representation comprises transmitting at least one URL assigned to a web page' ,

is met by the discussion in Bozdagi of the web document 200 created from the keyframes, Para

[0027; 0031; 0059], which is transmitted the user(s) that request.

Considering claims 12, 25 & 38, the claimed subject matter corresponds with the well known protocols for retrieval of a web page from a server, using URL technology, and is thus also met by the disclosure of Bozdagi which supports the Internet, [0013; 0032]

Considering claims 13, 26 & 39, the *'selecting the set of one or more keyframes at the presentation recorder device in response to the user-selectable threshold comprises selecting presentation recorder device frames of video at a predetermined sampling interval'*, also reads on the disclosure in Bozdagi, [0091].

Considering claim 14, the claimed computer program product stored on a computer readable medium, and executed by an adapter for communicating information received during a multimedia presentation, comprises elements that correspond with subject matter mentioned above in the rejection of claim 1 and is likewise treated.

In particular, both Klemets (Fig. 1; col. 1, lines 21-50 & col. 2, lines 4-36) & Bozdagi [0081; 0093] teaches that the invention is embodied on a computer, and uses memory to store executable instructions.

Considering claim 27, the claimed system for communicating information received during a multimedia presentation, comprising elements that correspond with subject matter mentioned above in the rejection of claim 1, are likewise treated.

In particular, both Klemets (Fig. 1; col. 1, lines 21-50 & col. 2, lines 4-36) & Bozdagi

[0081; 0093] teaches that the invention is embodied on a computer, and uses memory to store

executable instructions.

Claim 27 additionally recites 'an input module' and 'a communication module'. The

claimed 'input module' is met by the capture module 317a, Fig. 3A (Klemets), while the

'communication module' is met by the operation of the author module 318a (Klemets) and the

I/O Interface (Bozdagi), which transmits the audio/video presentation information to Stream

Server(s) 220, or web document 200.

Considering claims 41-42 & 44-45 the claimed subject matter reads on the discussion in

Bozdagi of finding the keyframes, [0035-0036; 0041-0056].

Considering claims 43 & 46, Bozdagi does not explicitly discuss the use of speech

recognition technology. Official Notice is taken that tat he time the invention was made speech

recognition technology was old in the art. It would have been obvious for one of ordinary skill in

the art at the time the invention was made, to modify Klemets & Bozdagi with the technique of

speech recognition, at least for the advantage of the use of well known technology for analyzing

audio data.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's

claims.

A)   Dimitrova   Teaches analyzing audio/video data to create indexes/keyframes.

Any response to this action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450
> www.uspto.gov

> **or faxed to:**
> (571) 273-8300, (for formal communications intended for entry)
> **Or:**
> > (571) 273-7290 (for informal or draft communications, please label
> > "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REUBEN M. BROWN whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Reuben M. Brown/
Patent Examiner, Art Unit 2424